

DUTY STATEMENT

DS 3022 (5/2021)

DEPARTMENT OF DEVELOPMENTAL SERVICES**OFFICE OF THE DIRECTOR
OFFICE OF LEGAL AFFAIRS****DUTY STATEMENT****NAME:****JOB TITLE:** Attorney III (Senior Staff Counsel)**POSITION # 472-543-5795-004**

POSITION DESCRIPTION: With minimal supervision, an Attorney III performs complex and sensitive legal work in the Office of Legal Affairs, including, but not limited to: providing legal advice to program staff on various subjects, handling civil and administrative litigation, probate conservatorships, employment and personnel matters, transactional matters, criminal placement proceedings and legislative analysis. The Attorney III represents the Department in proceedings before courts and administrative bodies throughout the state, and coordinates with other state agencies, including the Attorney General's office, where the Department is a party. The Attorney III must possess an ability to interact independently, professionally and courteously with Department leadership, managers and staff, and other attorneys while performing multiple tasks that often require stringent deadlines. The position requires moderate travel.

SUPERVISION RECEIVED: Reports directly to the Chief Counsel and Assistant Chief Counsel.

SUPERVISION EXERCISED: The Attorney III does not directly supervise any staff, but may act in a lead capacity with an Attorney I.

WORKING CONDITIONS: Individual offices.

EXAMPLES OF DUTIES:Essential Job Functions:

60% Acts in a representative capacity on pending legal matters

- Provides direct house counsel support and legal advice to Department programs in a wide variety of complex legal areas;
- Effectively represents and advocates for the Department in Superior Courts in conservatorship matters and hearings related to commitment of criminal defendants for competency evaluations to Department facilities;

- Coordinates litigation strategy and discovery with the Attorney General's office in lawsuits where the Department is a party or has an interest;
 - Effectively represents and advocates for the Department in complex administrative matters before administrative bodies such as the State Personnel Board and Office of Administrative Hearings;
 - Effectively represents and advocates for the Department at settlement conferences and mediations;
 - Collaboratively works with and assists Department attorneys, administrators, managers, supervisors, investigators and employees, and those at other State agencies, including the California Health and Human Services Agency as appropriate;
 - Prepares legal documents including, but not limited to, legal briefs, opinions, policies, and, contracts;
 - Assembles and evaluates evidence, and secures and interviews witnesses for administrative and court proceedings, and
 - Provides analysis and advice on existing laws and drafts proposed legislation and regulations.
- 15% Reviews, analyzes and responds to disputes related to Department audits of Regional Centers and vendors pursuant to the Lanterman Developmental Disabilities Services Act and Title 17 regulations.

Marginal Job Functions:

- 5% Attend legal training courses on legal issues as assigned. Conduct training for Department staff and attorneys on various legal issues impacting the Department.
- 5% Reviews and analyzes proposed legislation affecting the Department.
- 5% Evaluates and responds to record requests made pursuant to the California Public Records Act.
- 5% Reviews and drafts opinions in administrative appellate reviews filed under the Lanterman Developmental Disabilities Services Act and Title 17 regulations.
- 5% Serves as the Attorney of the Week (AOW) on a rotating basis. The AOW is responsible for handling subpoenas and other legal documents served on the Department, its Director, managers and/or employees. The AOW also responds to phone inquiries from other public agencies, attorneys, and members of the public. In the absence of the Chief Counsel and Assistant Chief Counsel, may serve as the Acting Chief Counsel and performs all duties associated therewith.

While the Attorney III will perform assignments with varying and increasingly difficulty, the incumbent must be able to adhere to the following job requirements, which do not vary based upon experience:

- Maintain normal and consistent work hours, averaging 40 hours per week (proportionally less for part time positions). Work in excess of 40 hours is expected when necessary to complete assignments in a timely manner. Attorneys are expected to be in the office and available to clients between the core working hours of 9 a.m. to 4 p.m., unless official state business requires them to be elsewhere. If outside of the office during core working hours, attorneys must be available by phone. Attorneys are required to maintain individual and master Outlook calendars and obtain supervisory approval for time spent away from the office that exceeds ninety (90) minutes. Attorneys acting as the AOW must be available between 9 a.m. and 5 p.m., or arrange for alternative coverage from another Department attorney.
- Communicate effectively and audibly in person, and in writing through the use of documents and electronic devices. Attorney must be proficient in Microsoft Word, Outlook, Abode, Westlaw and any other electronic program necessary to fulfill office requirements and functions.
- Statewide travel is required, which will often include overnight stays. Travel will sometimes require the transportation of legal files and documents in file boxes that may weigh up to fifty (50) pounds. Multiple boxes may be required in some circumstances.
- Work on a Department issued personal computer, tablet or laptop and keyboard up to 80% of the time to conduct legal research and to prepare all written product.
- Timely open and close assigned cases and maintain case files on all assigned matters.
- Submit updated monthly reports to the Chief Counsel.
- Handle multiple tasks and effectively prioritize workloads.
- The incumbent must maintain active membership in the California State Bar and comply with the Rules of Professional Conduct at all times.